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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,675	03/02/2004	Matthew P. Dugas	34018/US	2618
7590 01/22/2007 Devan V. Padmanabhan, Esq. DORSEY & WHITNEY LLP Intellectual Property Department 50 South Sixth Street, Suite 1500 Minneapolis, MN 55402-1498			EXAMINER KAPADIA, VARSHA A	
			ART UNIT 2627	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			01/22/2007	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/791,675

Applicant(s)

DUGAS ET AL.

Examiner

Varsha A. Kapadia

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,7,15-17,19,20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-17,22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-2, 4, 6-7, 19-20, 24-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This office action is responsive to the amendment filed on October 10, 2006.

Rejection Under 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4, 6-7 and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Molstad et al (2005/0099713).

With regards to claims 1,6 and 24 Molstad et al disclose a magnetic tape (fig.51 element 40 and disclosure thereof) comprising at least one servo track “(see elements 41A-41C in figs. 5A-5B) comprising at least one slanted magnetic transition (see figs 5a-5b element 41B, fig.9 elements 95 A, 95B and disclosure thereof; wherein Molstad et al shows each slanted transition comprising series of vertical and horizontal segments).

With regards to claims 2, 7 and 25, Molstad et al disclose a second slanted magnetic transition that is mirror image of the at least one slanted magnetic transition (see fig.9 elements 95A and 95B and disclosure thereof).

With regards to claim 4, Molstad et al disclose that the horizontal segments are much smaller than the vertical segments (see fig.38 and disclosure thereof).

Claims 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Dugas et al (2005/0168869)

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The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With regards to claims 19-20, Dugas et al disclose an apparatus for use in writing servo data (see fig.3 and 7 and disclosure thereof) comprising a servo writing head (see fig.3 element 22); a magnetic film disposed on the head; and at least one slanted pattern created in the magnetic film, wherein at least one slanted pattern comprises two or more write gap segments... (see figs. 5-7 disclosure thereof and paragraphs [0030] and [0038]; wherein Dugas et al also disclose write gap segments are terminated with circular openings).

Allowable Subject Matter

Claims 15-17 and 22-23 are allowed.

Applicants claimed invention differs from the prior art of the record by specifically reciting an apparatus/method for writing servo data comprising one or more write gaps created in the thin film, each having a slanted pattern, wherein the slanted pattern of the one or more write gaps comprises series of vertical and horizontal segments, the horizontal segments of the write gaps being much smaller than a width of the corresponding write gaps.

Response to Remarks

Applicant's arguments with respect to claims 1-2 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Applicant further argues, “Molstad et al discloses amplitude based servo pattern, which is entirely different from timing-based servo track as recited”. Examiner respectfully disagree, because as recited in the claims, the magnetic transition pattern used in timing based servo is intended use, but structurally the same. The limitations recited in the claims are therefore considered met.

Applicant further argue that “Dugas do not disclose or teach a slanted pattern comprising two or more write gap segments arranged in a segmented pattern” as recited in claim 19. Examiner disagree because as described above in this office action, Dugas et al disclose at least one slanted pattern created in the magnetic thin film, the write gap segment arranged in a pattern (see figs. 4-5, 11-12 disclosure thereof and paragraph [0030] and [0038]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A. Kapadia whose telephone number is (571) 272-7557.


The examiner can normally be reached on Mon Tue and Thurs. from 6:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571 272 4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



VK



ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER